An Exact

ACCOUNT

of the

TRYAL

OF

Algernoon Sidney Esq;

Who was Tryed at the

Kings-Bench-Bar

AT

WESTMINSTER

This present (*Wednesday*) being the twenty sixth day of November, for Conspiring the Death of the King, and his Royal Highness, for which he was Convicted.

The Court being set, My Lord *Chief Justice* [illegible] Mr. Justice *Dolben*, Mr. Justice *Holloway*, Mr. Justice *Gregory*, and the Barons of the Exchequer, and the usual Officers [illegible] was called to the Bar, who might have challenged [illegible] were no Prisoners but my Lord *Chief Justice* told him no Exception had been taken that Cause had been [illegible] and therefore they must try my Lord *Russel's* Case; to which he was Acquitted, and after having sworn [illegible] the Witnesses Case he left the Jury [illegible] being a Gentleman both Learned and Eloquent, and [illegible] Kings Learned Counsel [illegible] the Prisoner was [illegible]

The first that was called was Mr. *Kirby*, who [illegible] and prove the Plot in general; but Mr. *Sidney* [illegible] this way of proceeding my Lord *Chief Justice* [illegible] the ordinary way of the Court, and particularly [illegible] of the Jesuits: to the Evidence proceeded, and after [illegible] Secularize, that though himself did hold no Correspondence [illegible] ought to be two Witnesses to every Particular Fact, but he was answered by the Court, that that Rule had been often [illegible] and that

the Prisoner at the Bar, yet he was often told by Captain *Walcot*, that he was a plain Englishman, in the contriving of all, and proving of Arms.

The next appeared for the King, was Colloned *Bamfield* who gave much what the same Evidence in General: and particularly that Mr. *Sidney* was a great Contriver.

Then was called Mr. *Keeling* the first Discoverer; he spoke first to the Plot in General, and said in particular, towards the latter end of his Evidence, that he heard from others, that Mr. *Sidney* was all a long in the Plot.

The fourth and last Evidence for the King was the Lord *Howard* of *Escriek*, he swore in particular, that Mr. *Sidney*, had often sitten in Council with other Men, where they debated the means to Kill the King: Next [illegible] that he was by when a Traytorous Letter was writ to invite their Brethren of *Scotland*, and to shake of Monarchie, and particularly my Lord *Howard* evidenced, that Mr. *Sidney*, undertook to send the Letter, and that *Arop Smith* was imployed by Mr. *Sidney*, in this business: This was the substance of what my Lord *Howard* deposed as to the Prisoner at the Bar.

Then the Kings Council produced a most virulent and treacherous Libel, that was seized on in Mr. *Sidney's* House, when he was apprehended. Mr. *Adderbury*, the Messenger appeared in Court, & attested that it was taken there, and Sr. *Philip Lloyd* attested it was the same that was before the King and Council. Then was called one Mr. *Cook* Goldsmith, and another Gentleman his Partner, they said they had often dealt with Mr. *Sidney*, and had seen several Letters written with his own hand, and they were fully satisfied that the abovementioned Pamphlet was written by the same hand that they were used to receive, were Written. The substance of the Pamphlet was that the Sovereign power was in the People, and that the King was but only the peoples Trustee, and that if he should (if it was true they said) he might depose himself, and if he would not they might by force depose him, and chastise him for misgovernment, and that if they proceeded to depose the King, they did not break their Oath of Allegiance, because the King had no Authority to impose such an Oath, and that the Parliament were the Judges when the King acts amiss and ought to be dethroned, and that his present Majesty had taken under these circumstances, and that upon this occasion they had to justifie themselves in their proceedings, and to draw off the Mobile. It was a very large Pamphlet and took up [illegible] there were several of the most seditious clauses of the wicked Pamphlet inserted in the Indictment.

The Kings Council having done with their Evidence, and clearly proved the Pamphlet upon Mr. *Sidney*, he was permitted, with all the freedom imaginable to make his defence, which was very long and not the least interrupted: the Court giving him all the fair play imaginable.

First he began with matters of Law, and pleaded, that there ought to be two Witnesses to every particular fact, but he was answered by the Court, that that Case had been often over-ruled; and that

that at the Tryal of the late Viscount Stafford, wherein it was agreed on by all the Judges, that is was not necessary to that they both proved the Treason, to that one Witness proved a Fact or an overt-Act of Treason at one County, and another overt-Act in another County, they were two good Witnesses in Law, because they both prove Treason. His next Argument was, that he conceived himself only guilty of Misprision of Treason, because it could not be proved, that he writ the treasonable Letter that was to be sent into Scotland by Vaux. To which he was told by the Court, that his point of Law, likewise failed him in that Case, for if one be by where Treason is consulted, though they never say nothing, if they do not discover, it's not imprision of Treason, but High-Treason, as all the Judges had resolved in the tryal of the late Lord *Russel*: then he endeavoured to prove, that my Lord *Howard* owing him some Money, and that he claiming it, My Lord spoke, that he would be revenged on him: then he insisted upon something of foreign Laws, and flourished with some sentences of Scripture, which because they were not penitent to the present proceeding were looked on as frevilous. Then he proceeded to several other topicks, to shew the improbabilitie of such a designe, he speaking very Floridly, & often smileing as if he did not question but to have a good delivery. First he endeavoured to shew the improbabilitie of his being in such a design, from the greatness of his Age, he being a good deal above threescore, and besides very infirme: which might induce any body to believe as he sayed, that the Fire of Ambition must be extinguished, and that it was fitter for him to think of a Retiring place, and give up the latter end of his days to ease and quiet, he having been all his life time in a perpetual hurry: His other topick was not of improbabilitie, but endeavoured to insinuate an unpossibillitie of his being concerned, because he sayed he was no popular man and consequently unfit to be concerned in such an Affaire, where it was fit the people concerned should be Darlings of the Mobile, that so they might manage them at their pleasure, These were only looked upon by the Court as flourishes, which were not very material, and so giving him a short and pithy Answer desired him to proceed to more solid arguments, and to call in his evidence, which were many but were able to say litle in the Prisoners behalf.

The first was my Lord *Anglesey*, he attested that my Lord *Howard*, had protested after the breaking out of the Plot at my Lord *Bedfords*, that he knew nothing of it, this was likewise attested by my Lord *Paget*, and by one Mr. *Philip Howard*, with many Circumstances, to long to put down in so little a Paper. He likewise produced in Court, his two Maid-Servants, who attested much what the same, that the other against my Lord *Howard*, as before most of them had done, at my Lord *Russels Tryal*, and received much what the same Answer from the Court, &c. that my Lord was not obliged to tell every body he met, how deeply either, he or any body else, was concerned in the Plot. *M. Sidney*, having made the best defence he could, sat him down, and *Mr.* Soliciter General summ'd up the Evidence, most learnedly and distinctly. First, shewing the convincing proofs on the Kings side, then from Point, to Point, answering

answering every Objection, urged by the Prisoner, afterwards my Lord Chief Justice summ'd up all, most learnedly, and methodically, giving the most Loyal Directions to the Jury.

After all was done by the Court, the Jury withdrew, and having consulted upon the business about half a quarter of an hour, Mr. Sheriff remaining at the Bar, smiling and talking; a Verdict was called, and O yes, being made after the usual manner, and the Jury being called over, Mr. Angers the foreman, spoke for the Rest and brought him in Guilty. Thus Judgment he last overtook one who was Signalie remarkable for his Violence against the last King of of blessed memory: And for his strange Aversion to Monarchie, he being a perfect Monarch hater.

LONDON, Printed for E. Mallet, 1683.

134110